



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 30

310 West Wisconsin Avenue - Suite 700

Milwaukee, WI 53203-2211

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www.nlrb.gov

August 16, 2005

Mr. Corey Patrick Proulx
N975 Hwy W, Lot 4-11
Merrill, WI 54452

**Re: Hurd Windows and Doors, Inc.
Case 30-RD-1443**

Dear Mr. Proulx:

The Region has carefully investigation and considered your petition in the above-captioned case, petitioning for an investigation and determination of representatives under Section 9(c) of the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your petition for the following reasons:

The Union filed charges in Cases 30-CA-17173-1, 30-CA-17181-1, 18-CA-17634 (formerly 30-CA-17144-1) and 18-CA-17635 (formerly 30-CA-17152-1). Regions 30 and 18 fully investigated those charges and issued a complaint based on those investigations. The evidence demonstrated that Hurd Window and Door, Inc. (Employer), at its Merrill, Wisconsin facilities, in December 2005, unilaterally changed the rate of pay of an employee without giving the Midwestern Council of Industrial Workers, United Brotherhood of Carpenters and Joiners of America (Union) notice and an opportunity to bargain about the change. Further, in February and March 2005, the Employer threatened to relocate the plant, by-passed the Union and dealt directly with the employees by announcing the creation of a new shift, and unilaterally changed its method of computing overtime without giving the union notice and an opportunity to bargain about the change. Thereafter, the evidence demonstrated that the Employer unlawfully distributed literature to the Merrill facility employees on about April 21, 2005 and held captive audience speeches on about April 27 and 28, 2005. The Committee determined that, by its conduct, the Employer encouraged the Merrill facility employees to file a decertification petition. Approximately 88% of the signatures you filed with your decertification petition were collected on the day of, or the day after, the speeches were made. Based on the timing of the signatures, it appears the employees may have been improperly influenced by Employer's literature and speeches.

Please be advised that, if appropriate, the petition is subject to reinstatement after disposition of the related unfair labor practice proceedings.

Your Right to Seek Review. The National Labor Relations Board's Rules and Regulations permits any party to obtain a review of this action by filing a request (eight copies)

with the Executive Secretary. If you wish to seek review of this action, your attention is directed to the following.

Review Request Due Date: The request for review must be received by the Executive Secretary in Washington, D.C. by the close of business at 5:00 p.m. (ET) on August 30, 2005. However, if you mail the request for review, it will be considered timely if it is postmarked no later than one day before the due date.

Other Electronic Filings: In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, DC. If a party wishes to file one of these documents electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. The guidance can also be found under "E-Gov" on the National Labor Relations Board web site: www.nlr.gov.

Extension of Time to File Request for Review: Upon good cause shown, the Board may grant special permission for a longer period within which to file. A request for an extension of time should be submitted to the Executive Secretary. A copy of any such request for extension of time should be submitted to me and to each of the other parties to this proceeding and the copy must be served in the same or faster manner as that utilized in filing the request with the Board.

Request for Review Contents: Any request for review (eight copies) must contain a complete statement setting forth the facts and reasons upon which it is based. You should send a copy of the request for review to me and to each of the other parties to the proceeding. The request for review must be served in the same or faster manner as that utilized in filing the request with the Board.

Address for Request for Review: The request for review should be sent to the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570.

Very truly yours,

/s/Irving E. Gottschalk
Irving E. Gottschalk
Acting Regional Director

cc: See page 3

cc: Mr. Erik Peisig
Hurd Window & Door
575 South Whelen Avenue
Medford, WI 54451

United Brotherhood of Carpenters and
Joiners of America, Local 2979, AFL-CIO
Mr. Lowell Schultz, Business Representative
P.O. Box 601
Merrill, WI 54452

Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, DC 20570

VIA E-MAIL